

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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IN RE

MASTER FILE 05-MD-1720

PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST
LITIGATION

PRETRIAL ORDER NO. 2

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JAMES ORENSTEIN, Magistrate Judge:

I. Pretrial Consolidation

All putative class actions filed in or transferred to this District which arise out of the same operative facts as alleged in the cases subject to the Order of October 19, 2005 of the Judicial Panel on Multi-District Litigation ("the MDL Order"), *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL 1720, will be consolidated for all pretrial purposes under this Order. All non-class cases filed in or transferred to this District which arise out of the same operative facts as alleged in the MDL Order will be coordinated for all pretrial purposes under this Order. This Order does not constitute a determination that these actions should be consolidated for trial, nor does it have the effect of making any entity a party to an action in which it has not been joined and served in accordance with the Federal Rules of Civil Procedure.

II. Caption Of Cases

Every pleading filed in this proceeding, or in any separate action included herein, shall bear the following caption:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST
LITIGATION

This Document Relates To:

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If a submission is generally applicable to all consolidated actions, the caption should include the notation that the document relates to "ALL CASES" and the submission should be filed and docketed only in 05-MD-1720 (the "Master File"). If a submission is applicable only to particular cases, the caption should include the case number of the case(s) to which it applies.

III. Electronic Filing and Electronic Service of Process

All counsel representing parties in actions consolidated in 05-MD-1720 shall comply with this District's mandatory electronic case filing rule. *See* Administrative Order 2004-08. All submissions should be filed using the electronic case filing system ("ECF") and should be filed only in the Master File. To avoid duplicate filings and notice of filings, counsel are instructed to select NO when prompted whether to spread text.¹

All counsel who have registered for ECF and filed a notice of appearance in 05-MD-1720 will be deemed served with any document that has been electronically filed in the Master File.

Counsel need not include a service of process list with court submissions. Liaison counsel, once

¹ When filing a document on ECF, the filer is asked to respond to a series of prompts. One such prompt asks: "Do you want to spread text?" Selecting "No" ensures that the submission will be filed only in the Master File and that only one electronic notice of filing will be sent to each recipient.

appointed, shall bear responsibility for serving ECF-filed documents on any counsel designated for service of process that is not registered for ECF.

III. Newly Filed Or Transferred Actions

When a case which, according to this Order, should be consolidated or coordinated with *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* is hereafter filed in this Court or transferred here from another court and assigned to Judge Gleeson, the Clerk of the Court shall make an appropriate entry in the 05-MD-1720 docket. Counsel shall promptly register for ECF and file a notice of appearance in the Master File. Thereafter, counsel will be deemed served with all documents and orders filed in the Master File, including this Order. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated with the *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*.

IV. Application Of This Order To Subsequently Filed Cases

This Order shall apply to each *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* case subsequently filed in this Court, unless a party objecting to the consolidation or coordination of such case or to any other provision of this Order, within 20 days of service with this Order, moves for relief from this Order or any provision herein, and this Court deems it appropriate to grant such motion. Defendants are entitled to object to consolidation or coordination of any future-filed case, and similarly are entitled to respond to any motion by plaintiff(s) to seek relief from this Order. Further, if any new defendant is added by any new plaintiff, such defendant may object to consolidation or coordination according to the same procedure applicable to new plaintiffs.

SO ORDERED.

Dated: Central Islip, New York
January 20, 2006

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge